

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2282

S.P. 879

In Senate, February 17, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Transportation suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Cosponsored by Senator ANDREWS of Cumberland, Senator DOW of Kennebec, Representative MCPHERSON of Eliot.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT to Enhance Enforcement of the  
Handicapped Parking Laws.

1  
2  
3

4 Be it enacted by the People of the State of Maine as  
5 follows:

6 Sec. 1. 30 MRSA c. 1, sub-c. VI, article 9 is  
7 enacted to read:

8 ARTICLE 9. PARKING ENFORCEMENT SPECIALISTS

1 §1130-A. Volunteer parking enforcement programs

2 1. Programs established. Each sheriff's  
3 department shall establish a program to deputize  
4 volunteer parking enforcement specialists to enforce  
5 handicapped parking laws within that county and  
6 ordinances within the municipalities of that county.  
7 The sheriff's department shall establish such a  
8 program pursuant to this article unless:

9 A. The county has adequate resources to enforce  
10 handicapped parking laws and ordinances  
11 effectively ; and

12 B. There are no qualified applicants for the  
13 position of volunteer parking enforcement  
14 specialist.

15 2. Qualifications. To qualify for the position  
16 of volunteer parking enforcement specialist, an  
17 applicant:

18 A. Must be at least 18 years of age;

19 B. Must successfully complete a criminal history  
20 check to the satisfaction of the municipal law  
21 enforcement agency;

22 C. Should be, but is not required to be,  
23 disabled; and

24 D. Must successfully complete an examination and  
25 training as set out in section 1130-B.

26 3. Duties. After a qualified applicant has met  
27 all the requirements of subsection 2, the sheriff's  
28 department shall deputize the applicant to act as a  
29 volunteer parking enforcement specialist. The duties  
30 of the parking enforcement specialist are to:

31 A. Issue parking citations, tickets or oral  
32 warnings to operators of motor vehicles parked in  
33 violation of any handicapped parking laws or any  
34 ordinance pursuant to section 2151, subsection 2,

1 paragraph K;

2 B. Make referrals to a law enforcement agency  
3 when proper and appropriate; and

4 C. Perform such other duties as may be assigned  
5 by the sheriff in order to carry out the purposes  
6 of this article.

7 §1130-B. Training and examination

8 1. Training manual. An applicant for the  
9 position of parking enforcement specialist shall be  
10 provided with a copy of a self-paced study guide and  
11 training manual approved by the Commissioner of Public  
12 Safety. The manual shall include, but is not limited  
13 to, instruction in:

14 A. What a ticket or citation is and how to issue  
15 one correctly ;

16 B. Reporting and referral to a law enforcement  
17 officer or agency when it is proper and  
18 appropriate;

19 C. Communications and public relations skills; and

20 D. Basic first aid.

21 2. Examination. The Commissioner of Public  
22 Safety shall devise the examination for parking  
23 enforcement specialists. Examinations shall be  
24 offered by the sheriff's department as needed.

25 3. Local orientation. Upon successful completion  
26 of the examination, applicants shall be given an  
27 orientation program by the sheriff's department on  
28 local ordinances and procedures.

29 Sec. 2. 30 MRSA §2151, sub-§2, ¶K, as amended  
30 by PL 1987, c. 298, §6, and c. 390, §5, is repealed  
31 and the following enacted in its place:

32 K. Providing for the establishment and policing  
33 of parking spaces designated for handicapped

1 persons. A municipality with off-street public  
2 parking areas may set aside an adequate number of  
3 these spaces for use by handicapped persons. A  
4 municipality with on-street public parking spaces  
5 may set aside an adequate number of these spaces  
6 in appropriate locations for use by handicapped  
7 persons. The municipality may post any of the  
8 signs authorized by this paragraph adjacent to and  
9 visible from each handicapped parking space. One  
10 sign shall consist of a profile view of a  
11 wheelchair with an occupant in white on a blue  
12 background with a printed inscription. The  
13 inscription shall read: "Handicapped Parking:  
14 Special Plate Required. Unauthorized vehicles are  
15 subject to a fine." The other signs authorized  
16 under this paragraph and which may be posted in  
17 lieu of the first sign shall consist of a profile  
18 view of a wheelchair with an occupant in white on  
19 a blue background which may bear an inscription.  
20 Any new sign erected or any sign replaced after  
21 the effective date of this paragraph shall conform  
22 to the signs authorized by this paragraph. Any  
23 existing posted signs that do not conform to the  
24 provisions of this paragraph and which were  
25 erected prior to the effective date of this  
26 paragraph shall be deemed to be valid for  
27 enforcement purposes. Any vehicle or motorcycle  
28 parked in a clearly marked parking space  
29 designated by a municipality as a handicapped  
30 parking space that does not bear a special  
31 registration plate or placard issued under Title  
32 29, section 252, or a similar plate issued by  
33 another state, shall be cited for a penalty of not  
34 less than \$50. Owners of private off-street  
35 parking shall arrange for private enforcement or  
36 shall enter into agreements with local or county  
37 law enforcement agencies for the policing of  
38 stalls and spaces dedicated for handicapped  
39 persons' vehicles, under which agreements  
40 unauthorized vehicles shall be tagged. Where  
41 service facilities are established on the Maine  
42 Turnpike and on the interstate highway system in  
43 Maine, the State Police shall enforce this  
44 subsection. "Clearly marked" includes painted  
45 signs on pavement, vertical standing signs or  
46 barriers which are visible in existing weather

1 conditions.

2 Under these agreements, public law enforcement  
3 officials may exercise their vested authority to  
4 ensure that parking spaces designated for the  
5 handicapped are utilized appropriately by  
6 handicapped persons, whether the designated  
7 handicapped parking spaces are located on public  
8 lots or on private lots open to the public.

9 An owner of private off-street parking who fails  
10 to arrange for private enforcement or to enter  
11 into an agreement with a law enforcement agency  
12 commits a civil violation for which a forfeiture  
13 of not less than \$50 may be adjudged for each  
14 handicapped parking violation which occurs on that  
15 off-street parking area.

16 **Sec. 3. Appropriation.** The following funds are  
17 appropriated from the General Fund to carry out the  
18 purposes of this Act.

19 1988-89

20 PUBLIC SAFETY,  
21 DEPARTMENT OF

22 All Other \$10,000

23 Provides funds to  
24 contract with a  
25 consumer-directed  
26 center for independent  
27 living, to develop a  
28 training manual for  
29 county parking  
30 enforcement specialist  
31 programs and funds for  
32 public service  
33 announcements and  
34 education about the  
35 program and  
36 handicapped parking  
37 laws.

1 STATEMENT OF FACT

2 This bill provides for programs to be administered  
3 at the county level to ensure greater and more routine  
4 enforcement of handicapped parking violations. Under  
5 this bill, sheriffs' departments will deputize  
6 qualified applicants to be volunteer parking  
7 enforcement specialists. These volunteers must  
8 receive training, pass an examination devised by the  
9 Department of Public Safety and receive orientation by  
10 the sheriffs' departments on procedure and applicable  
11 ordinances.

12 This bill provides a forfeiture mechanism for  
13 owners of private off-street parking who fail to  
14 enforce handicapped parking laws and ordinances under  
15 the Maine Revised Statutes, Title 30, section 2151,  
16 subsection 2, paragraph K. The bill also removes  
17 language which would allow municipalities to establish  
18 a lesser penalty for handicapped parking violations  
19 than is provided by law.

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